

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHERRICE MICHELLE SHORTS, Plaintiff, v. CEDARS BUSINESS SERVICES, LLC, Defendant.	Civil Action No. 1:24-cv-02787-ER REQUEST TO ADJOURN DUE DATE FOR JOINT LETTER PER ORDER [23]
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May It Please the Court:

Plaintiff SHERRICE MICHELLE SHORTS respectfully requests an adjournment of the joint letter due date of September 13, 2024, as per the Order [23] entered by this Court on 9/6/2024. There is a pending Motion to Remand [4] for lack of subject matter jurisdiction/Art. III standing. As the Court notes in its Order [23], a court must have subject matter jurisdiction to order a transfer. So, Plaintiff believes it to be prudent to adjourn the transfer issue until a remand decision is made.

Pursuant to Section 1.E. of this Court's Individual Practices, Plaintiff respectfully states, to wit:

- i. The original date: September 13, 2024;
- ii. The number of previous requests for adjournment or extension, and the reason(s) therefore: none;
- iii. Whether the previous requests were granted or denied: not applicable;
- iv. The reason for the instant request: see supra;
- v. Whether the adversary consents, and, if not, the reasons given by the adversary for refusing consent: No consent; no reasons given though reasons were requested by Plaintiff's counsel. See Exhibit A – Email from Ponder to Mitchell; Exhibit B – Mitchell's reply.¹

¹ Plaintiff notes to the Court that the subject of the email is derived from a calendar invite sent on 9/6/2024 from Plaintiff's counsel, Brian L. Ponder, Esq., to Defendant's counsel, Mitchell L. Williamson, Esq., to set a due date and email reminders to both to file the joint letter required in this Court's Order [23] entered on 9/6/2024. Mr. Williamson declined the calendar invite/reminder, hence the "Declined" notation on the subject line of the email exchange.

Respectfully submitted,

Dated: New York, New York
September 7, 2024

s/ Brian L. Ponder
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ATTORNEY FOR PLAINTIFF

Shorts's request for an adjournment is denied. The Court again directs the parties to submit a joint status letter by September 13, 2024. That letter needs to include only the following representations: (1) whether there is a district to which all parties consent to have this case transferred, and if not, (2) whether either party wishes to submit additional briefing concerning whether transfer to another district where this action "might have been brought" is appropriate under 28 U.S.C. § 1404(a). If neither party wishes to submit additional briefing, the Court will treat Cedars's motion (Doc. 17) as fully briefed. The Clerk of Court is respectfully directed to terminate the motion, Doc. 24. SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: September 9, 2024
New York, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHERRICE MICHELLE SHORTS, v. CEDARS BUSINESS SERVICES, LLC, Defendant.	Plaintiff, Civil Action No. 1:24-cv-02787-ER CERTIFICATE OF SERVICE
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I certify that a copy of the foregoing was served upon all parties of record via CM/ECF.

Respectfully submitted,

Dated: New York, New York
September 7, 2024

s/ Brian L. Ponder
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